

Docket No: 38-21(52703)B

## Listing of Claims:

Claim 1 (currently amended) A method for improving yield in a crop exposed to water deficit by providing a transgenic seed for said crop wherein said transgenic seed has a recombinant DNA construct expressing a gene which encodes a Hap3 protein having an amino acid sequence ~~identical to the consensus amino acid sequence of SEQ ID NO:8 wherein said gene is constitutively expressed to produce an effective amount of said protein for water deficit tolerance functionally equivalent to the water deficit tolerance imparted by the protein of SEQ ID NO:2 or SEQ ID NO:3 in corn or SEQ ID NO:6 or SEQ ID NO:7 in soybean.~~

Claim 2 (currently amended) A method of claim 1 wherein said crop is corn, ~~soybean, canola, wheat, rice, cotton or grass.~~

Claims 3-4 (canceled)

Claims 5 (currently amended) A method for improving water-deficit survivability of a crop plant comprising introducing into the genome of said plant a recombinant DNA construct expressing a gene which encodes a Hap3 protein having an amino acid sequence ~~identical to the consensus amino acid sequence of SEQ ID NO:8 wherein said gene is constitutively expressed to produce an effective amount of said protein for water deficit tolerance functionally equivalent to the water deficit tolerance imparted by the protein of SEQ ID NO:2 or SEQ ID NO:3 in corn or SEQ ID NO:6 or SEQ ID NO:7 in soybean.~~

Claim 6 (currently amended) A water-deficit-tolerant, transgenic, hybrid maize plant comprising a recombinant DNA construct expressing a gene which encodes a Hap3 protein having an amino acid sequence ~~identical to the consensus amino acid sequence of SEQ ID NO:8 wherein said gene is constitutively expressed to produce an effective amount of said protein for water deficit tolerance functionally equivalent to the water deficit tolerance imparted by the protein of SEQ ID NO:2 or SEQ ID NO:3.~~

Docket No: 38-21(52703)B

Claim 7 (cancelled)

Claim 8 (withdrawn and currently amended) A transgenic maize seed for producing the water-deficit-tolerant, transgenic, hybrid maize of claim 6 having in its genome a recombinant DNA construct which expresses a gene which encodes a Hap3 protein having a consensus amino acid sequence of SEQ ID NO: 2 or 3 ~~8 and a gene imparting herbicide resistance.~~

Claim 9 (withdrawn) A seed of claim 8 wherein said gene imparting herbicide resistance provides resistance to an herbicide selected from the group consisting of a glyphosate herbicide, a phosphinothricin herbicide, an oxynil herbicide, an imidazolinone herbicide, a dinitroaniline herbicide, a pyridine herbicide, a sulfonylurea herbicide, a bialaphos herbicide, a sulfonamide herbicide and a gluphosinate herbicide.

Claim 10 (withdrawn) A seed of claim 8 wherein said genome further comprises a recombinant DNA construct which expresses a gene encoding an insecticidal protein.

Claim 11 (withdrawn) A seed of claim 10 wherein said insecticidal protein is a delta endotoxin from *Bacillus thurengiensis*.

Claim 12 (withdrawn) A seed of claim 8 wherein said genome further comprises a recombinant DNA construct which is transcribed to RNA which forms gene silencing dsRNA targeted to a crop pest.

Claim 13 (withdrawn) A plant produced from a seed of claim 8.